



U.S. House of Representatives Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner, Conyers Introduce Bipartisan Net Neutrality Legislation

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.), along with Ranking Member John Conyers, Jr. (D-Mich.) and others, today introduced bipartisan legislation to preserve Internet freedom and competition. Over the last decade, the Internet has revolutionized the manner in which Americans access and transmit a broad range of information and consume goods. The advent of high speed (broadband) Internet access has dramatically enhanced the ability of Americans to access this medium and has been a catalyst for innovation and competition. H.R. 5417, the “Internet Freedom and Nondiscrimination Act of 2006,” would ensure competitive and nondiscriminatory access to the Internet.

Chairman Sensenbrenner remarked, “This legislation is a necessary step to protect consumers and other Internet users from possible anti-competitive and discriminatory conduct by broadband providers. The FCC recently reported that 98 percent of American consumers get their high speed broadband from either a cable company or a DSL provider. This virtual duopoly creates an environment that is ripe for anti-competitive abuses, and for which a clear antitrust remedy is urgently needed.”

“This legislation will provide an insurance policy for Internet users against being harmed by broadband network operators abusing their market power to discriminate against content and service providers. While I am not opposed to providers responsibly managing their networks and providing increased bandwidth to those consumers who wish to pay for it, I am opposed to providers giving faster, more efficient access to certain service providers at the expense of others. This legislation will ensure that this type of discriminatory behavior will not take place, and will help to continue the tradition of innovation and competition that has defined the Internet,” continued Chairman Sensenbrenner.

Ranking Member Conyers said, “The Internet, as we know it, is at risk because of shortsighted proposals by telecommunications monopolies to create ‘pay to play’ Internet access, where favored content would receive faster delivery while slower content would be sent at a snail’s pace. This approach would stifle innovation and diminish free speech on the Internet. This bill would write into law a common-sense approach that when an entity with a monopoly or duopoly of market share uses its power to hijack someone else’s content, it is a violation of the antitrust laws.”

“The measure which we are introducing today will ensure that the Internet continues to exist as an open and accessible medium where startups and businesses of all sizes can provide content and services reachable by all consumers. It will assure that the status quo is preserved and that the market power broadband providers now exercise over transmission is not extended to control of content,” cosponsor Rep. Rick Boucher (D-Va.) said.

The “Internet Freedom and Nondiscrimination Act” will give certainty to entrepreneurs, investors, and others who seek to deliver innovative ideas to market that they may do so without fearing discrimination. Specifically, this bill would amend the Clayton Act to require that network providers: 1) interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis; 2) operate their network in a reasonable and nondiscriminatory manner such that non-affiliated providers of content, services and applications have an equal opportunity to reach consumers; and 3) refrain from interfering with users’ ability to choose the lawful content, services and applications they want to use.

H.R. 5417 is particularly important because H.R. 5252 falls well short of ensuring that broadband network providers do not abuse their market power to discriminate against Internet content or rival services.

H.R. 5417 is expected to be considered by the House Judiciary Committee next week.

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